

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: **CJA Properties, LLC  
140 Pepper Lane  
Wilsall, MT 59086-9420**
2. Type of action: **Application to Change Water Right No. 43A 30148749**
3. Water source name: **Groundwater (Spring, Unnamed Tributary of Smith Creek)**
4. Location affected by project: **The project is located in the SESWNE Section 13, T5N, R9E, Meagher County.**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

**The Applicant seeks authorization to add a point of diversion and place of use to Statement of Claim No. 43A 191846. The purpose of use is stock water. The proposed additional point of diversion is in the SESWNE Section 13, T5N, R9E and the additional place of use (one stock tank) is approximately 30 feet southeast of the diversion within the same legal land description. The proposed additional means of diversion is a developed spring. The proposed development consists of a two-inch black polyethylene pipe buried in the natural spring. The pipeline will convey water, at a flow rate of 2.2 gallons per minute (GPM), from the spring to the stock tank. The flow rate is based on the capacity of the system to supply water under gravity-flow conditions.**

**The Department proposes to grant authorization to develop an existing spring by adding a point of diversion and one place of use (stock tank). The action will facilitate better grazing management within the landowner's property**

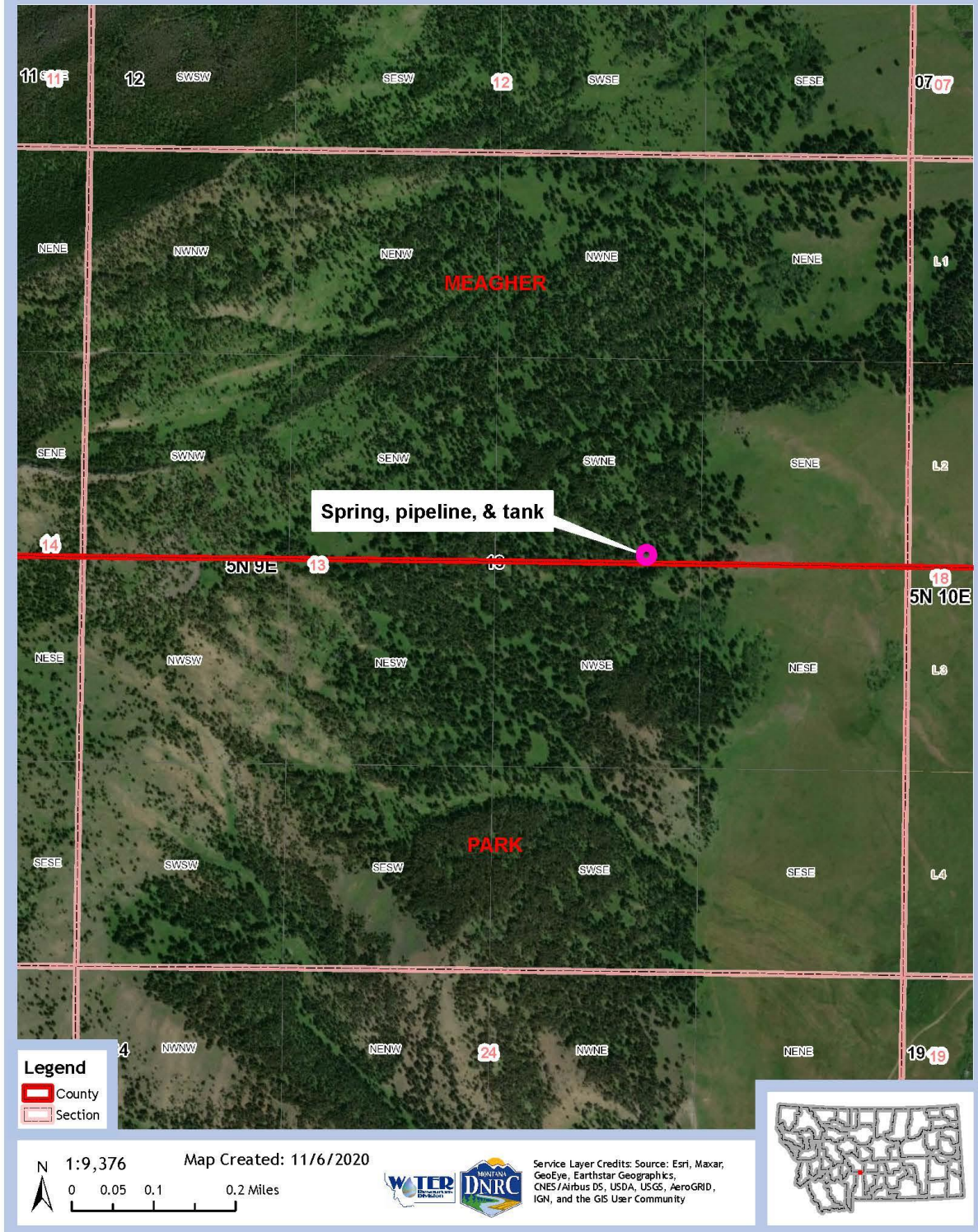
*The DNRC shall issue a change authorization if an Applicant proves the criteria in 85-2-402 MCA are met.*

6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)

**Dept. of Environmental Quality Website – Clean Water Act Information Center  
MT. National Heritage Program Website - Species of Concern  
USDI Fish & Wildlife Service Website - Endangered and Threatened Species**

USDA Natural Resources Conservation Service – Web Soil Survey  
USDI Fish & Wildlife Service – Wetlands Online Mapper

43A 30148749 Map Depicting Point of Diversion (spring) and Place of Use (stock tank)



## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

*Determination:*           **No Significant Impact.**

The source of supply for this application is groundwater; therefore, it has not been identified as a chronically or periodically dewatered stream by DFWP. There is a low likelihood that this project will have a significant impact on water quantity; demands on the hydrologic system are not expected to change. No increase in the amount of water used by livestock is proposed.

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

*Determination:*           **No Significant Impact.**

This change will further develop a spring by adding a gravity flow diversion and tank to an existing water right for stock watering from the spring. The source is considered groundwater and has not been listed as a water quality impaired or threatened stream by DEQ. The new tank will not have a significant impact on water quality, the tank may help water quality as cattle will also be able to water away from the spring source.

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

*Determination:*           **No Significant Impact.**

This project should not impact groundwater quality or supply, livestock are not anticipated to use any more groundwater than has been used historically. The number of animal units served (230) will not be expanded.

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

*Determination:*           **No Significant Impact.**

The Applicant is adding a gravity feed system to supply a stock tank from a spring with an existing water right. The additional point of diversion will convey 2.2 GPM with a gravity

fed pipeline to the tank located approximately 30 feet southeast of spring. The gravity fed system is already in place and no further impacts are anticipated.

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”*

*Determination:*           **No Significant Impact.**

The Montana National Heritage Program lists five Species of Concern and one plant Species of Concern (Linear-leaf Fleabane) within Township 5 North, Range 9 East. The common names for the species include the Wolverine, Greater Sage-Grouse, Clark’s Nutcracker, Great Gray Owl and Yellowstone Cutthroat Trout. All construction associated with this permit is complete and the place of use has been previously disturbed by grazing practices; no impacts to any of these species are expected.

The USDI Fish & Wildlife Service Website also lists the Canada Lynx and Grizzly Bear as threatened. It lists the Wolverine as proposed species and the Whitebark Pine as a candidate species. Although these species are identified in Meagher County because one may reasonably expect them to occur in the county, not all are necessarily found in the area of the project. Additionally, it is unlikely that the proposed action will displace the species, the diversion, pipeline and tank have already been installed.

The proposed project is not located in general sage grouse habitat therefore the Applicant does not have to consult with the Sage Grouse Habitat Conservation Program or obtain a letter regarding the consultation.

**Wetlands** - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

*Determination:*           **No Significant Impact.**

The National Wetlands Inventory website shows Freshwater Emergent Type Wetlands, Freshwater Forested/Shrub Wetlands and intermittent Riverine Habitat near the spring being developed. These habitats are adjacent to and throughout the legal description for Applicant’s place of use. No significant impacts to wetlands are expected from this change application, the additional diversion, pipeline and stock tank have already been installed.

**Ponds** - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

*Determination:*           **No Significant Impact.**

**This project does not involve a pond. No impact to wildlife, waterfowl, or fisheries is anticipated.**

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

*Determination:*           **No Significant Impact.**

**The predominant soil type is a complex derived from landslides and volcanic breccia. The Sodium Adsorption Ratio rating is non-saline.**

**Potential impacts associated with the construction activities could have created a minor impact on the soils on the places of use, but construction is complete and there will be no further impacts than what has already occurred. It is not anticipated that any significant impacts to geology, soil quality, stability and moisture content would result from the proposed action because this project is simply adding a diversion, pipeline and stock water tank to an existing spring and the project has already been completed.**

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination:*           **No Significant Impact.**

**Construction associated to this project was completed prior to this application being submitted. Any impacts to existing cover have already occurred. Normal weed management can be used to control noxious weeds potentially invading disturbed areas due to construction activities; therefore, no spread of noxious weeds should be associated with this application. It is the responsibility of the property owner to control noxious weeds on their property.**

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:*           **No Significant Impact.**

**No impacts to air quality or adverse effects to vegetation are expected as a result of this proposal; the tank will be supplied by a gravity fed system.**

**HISTORICAL AND ARCHEOLOGICAL SITES** - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: **N/A – project not located on State or Federal Lands.**

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: **No Significant Impact.**

**No additional impacts are anticipated.**

## **HUMAN ENVIRONMENT**

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: **No Significant Impact.**

**No locally adopted environmental plans or goals have been identified.**

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: **No Significant Impact.**

**The proposed action is consistent with livestock practices in the area.**

**HUMAN HEALTH** - Assess whether the proposed project impacts on human health.

Determination: **No Significant Impact.**

**No impacts to human health have been identified.**

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes\_\_\_ No\_\_**X**\_\_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: **No known impacts.**

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

*Impacts on:*

- (a) Cultural uniqueness and diversity? **None**
- (b) Local and state tax base and tax revenues? **None**
- (c) Existing land uses? **None**
- (d) Quantity and distribution of employment? **None**
- (e) Distribution and density of population and housing? **None**
- (f) Demands for government services? **None**
- (g) Industrial and commercial activity? **None**
- (h) Utilities? **None**
- (i) Transportation? **None**
- (j) Safety? **None**
- (k) Other appropriate social and economic circumstances? **None**

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: **No secondary impacts have been identified.**

Cumulative Impacts: **No cumulative impacts have been identified.**

3. *Describe any mitigation/stipulation measures:*

**No mitigation or stipulation measures have been identified.**

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

**No action alternative: Deny the application. This alternative would result in not authorizing the Applicant to add a new diversion and stock tank to the spring.**

### *PART III. Conclusion*

#### **1. Preferred Alternative**

The preferred alternative is the proposed alternative.

#### **2 Comments and Responses**

None Received.

**3. Finding:**

Yes\_\_\_ No **X** Based on the significance criteria evaluated in this EA, is an EIS required?

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*

**None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.**

*Name of person(s) responsible for preparation of EA:*

*Name:* Douglas Mann

*Title:* Hydrologist – Lewistown Regional Office

*Date:* 01/21/2021